

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendment, claim 4 has been canceled without prejudice or disclaimer in view of the previous cancellation of claim 3.

In the Official Action, claims 1, 2 and 4-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,361,768 (*Galleguillos et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Independent claim 1 is directed to an ink jet recording medium comprising at least one ink receptive layer containing polymeric organic particles provided on a support, wherein the polymeric organic particles have a glass transition temperature (T_g) of 40°C or higher and an average particle diameter of 1 to 500 nm, and are amphoteric polymeric organic particles having a cationic group and an anionic group, wherein the polymeric organic particles are obtained by (co)polymerization of monomers not containing aliphatic conjugated diene-based monomers.

Galleguillos et al does not disclose each feature recited in independent claim 1, and as such fails to constitute an anticipation of such claim. Claim 1 specifies that the at least one ink receptive layer contains polymeric organic particles provided on a support. Thus, the recited polymeric organic particles are, by definition, **in particle form when present on the support**. *Galleguillos et al* simply has no disclosure of such feature.

In this regard, the Patent Office has relied on *Galleguillos et al* for disclosing the use of an ampholytic copolymer for paper coating. Official Action at page 2. It is important to note that *Galleguillos et al* contemplates the use of its copolymer in a paper **coating**, i.e., the

copolymer is necessarily coated on the paper. *Galleguillos et al* describes the preparation of such a coating composition at column 3, lines 56-58 thereof, disclosing that "the copolymer dissolves readily in water and builds up viscosity when added to water-based compositions." Thus, in the coating composition of *Galleguillos et al*, **the copolymer has been dissolved and is no longer in the form of particles**. The paper coating, therefore, does not contain the copolymer in particle form, but rather the copolymer is present in a dissolved state.

The Patent Office has relied on *Galleguillos et al*'s disclosure in its abstract that the copolymer particles are of a submicron size. **However, the submicron particle size range relates to the particles before they are dissolved in the composition.** *Galleguillos et al* clearly teaches that its copolymer particles dissolve readily upon addition to the composition. As such, when the composition is employed as a paper coating, it is clear that the copolymer is no longer in the form of particles, but rather is in a dissolved state. Quite clearly, *Galleguillos et al* simply has no disclosure of an ink receptive layer which contains polymeric organic particles provided on a support, as is presently claimed.

Furthermore, attached for the Examiner's consideration is an executed Declaration Under 37 C.F.R. §1.132 of Masaya Kusumoto dated December 3, 2007 (hereinafter referred to as the "Third Declaration"). As discussed in the Third Declaration, Experiments I and II were conducted in which polymers substantially corresponding to the hydrophilic ampholytic polymers of Examples 1 and 18, respectively, of *Galleguillos et al* were prepared. As stated in the Third Declaration, the particle size of such polymers could not be measured because the polymers were in a dissolved state. By comparison, Experiment III was conducted in which a polymer substantially corresponding to that of Example 1 of Applicants' disclosure was prepared, and the particle size was measured as 70 nm. Thus, it is clear that the dissolved copolymers disclosed by *Galleguillos et al* are not in particle form, whereas the

organic particles in accordance with an exemplary aspect of the claimed invention, are in particle form. The dissolved copolymers of *Galleguillos et al* cannot properly be considered the same as the claimed polymeric organic particles provided on a support.

For at least the above reasons, it is apparent that *Galleguillos et al* does not constitute an anticipation of independent claim 1. Accordingly, withdrawal of the above §102(b) rejection is respectfully requested.

Furthermore, Applicants note that surprising and unexpected results can be attained by employing an ink jet recording medium in accordance with an aspect of the claimed invention. The surprising and unexpected nature of the claimed invention is discussed in Applicants' previous responses and is apparent in view of the first and second Declarations Under 37 C.F.R. §1.132 previously filed in the Patent Office on November 1, 2006 and May 29, 2007, respectively.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Date: January 2, 2008

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